

CITY OF HOLLISTER - AGENDA

for **City Council Meeting**

of **December 5, 2005**

at **6:30 p.m.** in the City Council Chambers, City Hall, 375 Fifth Street, Hollister

NOTICE TO PUBLIC

Persons who wish to address the City Council must complete a Speakers Card and give it to the Clerk prior to addressing the City Council. Those who wish to address the City Council on an agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the agenda will be heard under the Public Input section, Section B, of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the public portion of the meeting will be closed and the matter brought to the City Council for discussion and action.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days preceding the City Council meeting. It is customary for the staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data.

All matters listed under Consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

**** 6:00 p.m. - Closed Session -- See Attached Agenda.**

Call to Order

Pledge of Allegiance

Roll Call:

Mayor Pauline Valdivia, Council Members Brad Pike, Robert Scattini, Doug Emerson and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

Verification of Agenda Posting

6:00 p.m. - CLOSED SESSION AGENDA:

- A. Public comment (limited to any item listed on Closed Session agenda).
- B. A Closed Session will be held by the City Council of the City of Hollister to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed).
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed).
3. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) –
 - a. RWQCB – Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case No. CU-04-00063
4. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 054-212-004
City Negotiator: Clint Quilter
Negotiating Parties: J.B. Howard
Under Negotiation: Price and Terms of Payment
5. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-310-001
City Negotiator: Clint Quilter
Negotiating Parties: Tod DuBois
Under Negotiation: Price and Terms of Payment
6. Personnel - City Attorney Evaluation.

6:30 p.m. - AGENDA

1. Election of Mayor and Mayor Pro Tempore.

The City Council will elect the Mayor and Mayor Pro Tempore.
2. Oath of Office for Mayor and Mayor Pro Tempore.

City Clerk Johnson will administer the Oath of Office for the newly elected Mayor and Mayor Pro Tempore.
3. Presentation of Mayoral Plaque to outgoing Mayor Pauline Valdivia.

The newly elected Mayor will present Mayor Pauline Valdivia with a plaque.

A. CONSENT RESOLUTION (December 5, 2005):

All items listed under consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a Staff member, or a Citizen.

Consent Items are Numbers A1, A2, A3, A4 and A5

A1. Minutes of the Special Meeting of November 14, 2005.

Approve Minutes of the Special Meeting of November 14, 2005, as submitted.

A2. Warrant Register(s).

The City Council will ratify and approve the following Warrant Register(s) dated:

- November 14, 2005, in the amount of \$ 192,240.19

A3. ABC License Review - Discount Cigarette & Wireless

This item acknowledges City Council receipt of the ABC license reviews for Discount Cigarette & Wireless at 195 Meridian Street, Suite B8 and orders them filed.

A4. Resolution No. 2005-156, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE TEMPORARY CLOSURE OF THE PUBLIC CITY PARKING LOT ON FOURTH STREET BETWEEN SAN BENITO STREET AND MONTEREY STREET BY EXPRESS MORTGAGE FOR THIER CUSTOMER APPRECIATION DAY.

The City Council authorizes the temporary closure of the Public City Parking Lot on Fourth Street between San Benito Street and Monterey Street during the hours of 1:00 PM and 6:00 PM by Express Mortgage Group for their Customer Appreciation Day.

A5. Resolution No. 2005-157, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD.

The City Council approves the pipeline crossing agreement with Union Pacific Railroad for the North Street crossing improvements.

A6. Resolution No. 2005-158, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HOLLISTER AND THE HOLLISTER PEACE

OFFICERS' ASSOCIATION BARGAINING UNIT FOR THE TERM OF JULY 1, 2005 THROUGH JUNE 30, 2006.

The City Council approves the Memorandum of Understanding between the City of Hollister and the Hollister Peace Officers' Association bargaining unit for the term of July 1, 2005 through June 30, 2006.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. PUBLIC INPUT.

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the council. When the City Clerk calls your name, please come to the podium, state your name and address for the record, and speak to the Council. Each speaker will be limited to two (2) minutes. Please note that state law prohibits the council from discussing or taking action on any item not on the agenda.

C. PUBLIC HEARINGS (On or After 6:30 p.m.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2005-159, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE 2005-2023 HOLLISTER GENERAL PLAN AND MAKING FINDINGS OF OVER-RIDING CONSIDERATION RELATING TO THE MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM GPA 1-05.

The City Council will certify A Final EIR on the 2005-2023 Hollister General Plan and make finding of over-riding consideration relating to the mitigation measures and project alternatives and adopt a mitigation monitoring and reporting program.

Resolution No. 2005-160, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING THE 2005-2023 HOLLISTER GENERAL PLAN.

The City Council will adopt the 2005-2023 Hollister General Plan.

2. Purchase of 10 rifles, 20 radio communication headsets and cables, 20 ballistic helmets, 20 gas masks, 14 goggles, and 16 cases of ammunition.

This authorizes the purchase of 10 rifles, 20 radio communication headsets and cables, 20 ballistic helmets, 20 gas masks, 14 goggles, and 16 cases of

ammunition with the funds from the Department of Justice through its Local Law Enforcement Block Grant Program.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council Committees.

Receive oral reports from members regarding the activities of various Ad hoc and Standing City Council Committees.

2. Reports from City Council, City Manager, City Attorney, and Staff.

Receive oral reports from the City Council, City Manager Quilter, City Attorney Cass, City Clerk Johnson, and other Staff as applicable.

3. Water and Wastewater Issues.

The City Council will receive an oral status report from City Manager Quilter.

4. Hollister Municipal Airport status report.

The City Council will receive a status report on the Hollister Municipal Airport from Airport Manager Gere.

5. June 2005 Un-audited Year-End Progress Report and Five Year Projection Analysis. Continued from November 21, 2005 City Council Meeting.

The City Council will receive the June 2005 Un-audited Year-End Progress Report and Five Year Projection Analysis from Director of Administrative Services Galvan.

6. Presentation of the City of Hollister's annual Independent Audit by Grace and Associates.

The City Council will receive and accept the annual Independent Audit by Grace and Associates.

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

Next Regular City Council Meeting is scheduled for December 19, 2005, at 6:30 p.m.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 636-4304. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].